

Appl. No. 10/726,646  
In re Picone, J.  
Reply to Office Action of Feb. 22, 2005

**REMARKS/ARGUMENTS**

The Examiner is thanked for the Official Action dated February 22, 2005. This amendment is intended to be fully responsive thereto.

Claims 27 and 28 were rejected under 35 U.S.C. 112, second paragraph, for containing indefinite language. Claims 27 and 28 have been amended and are now believed to be in conformance with 35 U.S.C. 112. The Examiner alleges that claims 27 and 28 are directed to a powered adjustable wrench, while the wrench recited on claim 1 is not powered. The applicant respectfully disagrees.

Claims 1, 27 and 28 recite the adjustable wrench that may be powered or manually operated. There is nothing in the language of claims 27 and 28 suggesting that the recited adjustable wrench is necessarily powered. Claim 27 simply recites that the handle portion of the wrench body member defines an open cavity and that the wrench body includes at least one handle cover removably secured to the handle portion of the wrench body member for closing the cavity. Claim 28 recites that at least one of the wrench body member and the at least one handle cover is made of plastic material. Similarly, there is nothing in the language of claim 1 suggesting that the recited adjustable wrench is not powered. Therefore, the rejection of claims 27 and 28 under 35 U.S.C. 112, second paragraph, is improper.

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Claims 1, 2, 7, 8, 11, 12, 14, 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Green (USPN 2,722,150). The applicant respectfully disagrees.

The Examiner alleges that Green shows stops in the form of ball detents for both inward and outward movement of the sliding jaw. However, the ball detents of Green do not limit the travel of the moveable jaw, but removable locking the moveable jaw in a plurality of desired positions. As clearly disclosed by Green, the ball detents make the jaw 18 "immovable unless definite rotatable thumb or finger pressure is applied to the screw 22." (see column 2, lines 11-15). Therefore, Green fails to disclose the at least one preset stop for limiting a travel of the moveable jaw.

Claims 1-6, 14, 23, 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Garrison (USPN 1,828,561).

In order to expedite the prosecution of the present application, claim 1 has been amended to include the limitation of claim 3 and intervening claim 2. No new matter has been added. Claims 2 and 3 have been canceled. Garrison fails to disclose the at least one stop member of the worm gear is formed on one of a start lead and an exit lead of the screw thread of the worm gear. As shown in Fig. 2, the projected foot portion of the moveable jaw abuts an axially inner face of the worm screw 12, not the stop member formed on a start lead or an exit lead of the screw thread of the worm screw. Therefore, claims 1, 4-6, 14, 23, 25 and 26 define the present invention over Garrison.

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Claims 1, 7, 8, 11, 12, 14, 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Elmore (USPN 5,331,868).

The Examiner alleges that Elmore shows stops in the form of ball detents for both inward and outward movement of the sliding jaw. However, the ball detents of Elmore do not limit the travel of the moveable jaw, but removable locking the moveable jaw in a plurality of desired positions. As clearly disclosed by Elmore, "This removable locking can be disengaged by further turning the worm gear 52" (see column 5, lines 58-59). Therefore, Elmore fails to disclose the at least one preset stop for limiting a travel of the moveable jaw.

Moreover, the spaced recesses 66 of the ball detents of Elmore are formed on track segments 18 and 20 of a head portion 14 of a main body, not on the worm gear, as recited in claim 1 of the present application.

Therefore, claims 1, 7, 8, 11, 12, 14, 25 and 26 define the present invention over Elmore.

Claims 1, 7, 8, 11, 12, 14, 23, 25 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Boyer (USPN 6,279,429).

Boyer fails to disclose the worm gear having a screw thread drivingly engaging teeth of the toothed segment of the gear rack portion of the movable jaw. Instead, the adjustable wrench of Boyer has screw adjust driver 1 with a single groove 5. When the single groove 5 of the screw adjust driver 1 is aligned with serrated teeth 21 along a shank 22 of a floating jaw 20, the floating jaw 20 is freely movable to a desired position. Once the floating jaw 20 attains the desired

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position, the screw adjust driver 1 may be turned to engage the serrated teeth 21 of the floating jaw 20 and lock the floating jaw 20 into place.

Furthermore, the ball stop receiving area 46 of the ball detents of Boyer are formed on a slot portion 27 of the body 12 of the adjustable wrench of Boyer, not on the worm gear, as recited in claim 1 of the present application.

Therefore, claims 1, 7, 8, 11, 12, 14, 23, 25 and 26 define the present invention over Boyer.

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison in view of Jovanovich (USPN 2,778,260). This rejection is respectfully traversed in view of the following comments.

As argued above regarding the rejection of claim 1 over Garrison, claim 1 defines the present invention over Garrison. Claims 7 and 8 depend upon the base claim 1 and further define the present invention over Garrison. Moreover, the laterally adjustable socket wrench of Jovanovich is structurally different from the wrench of Garrison and lacks the worm gear having a screw thread drivingly engaging teeth of the toothed segment of the gear rack portion of the movable jaw. Thus, one of the ordinary skills in the art would not combine the adjustable wrench of Garrison with the laterally adjustable socket wrench of Jovanovich. Furthermore, the cited prior art lacks any motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. Moreover, even if combination and modification of

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Garrison and Jovanovich, suggested by the Examiner, could be made, the resulting device still would lack at least one stop member of the worm gear is formed the start or exit leads of the screw thread of the worm gear.

Therefore, the rejection of claims 7 and 8 under 35 USC § 103(a) is improper.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of Demurger (USPN 5,062,328). This rejection is respectfully traversed in view of the following comments.

As argued above regarding the rejections of claim 1, claim 1 defines the present invention over Green, Garrison, Boyer or Elmore. Claim 13 depends upon the base claim 1 and further defines the present invention over Green, Garrison, Boyer or Elmore. Moreover, although Demurger disclose the wrench handle made of plastic material, Demurger fails to disclose the worm gear and the moveable jaw made of plastic material. Thus, even if combination and modification of Green, Garrison, Boyer or Elmore and Jovanovich, suggested by the Examiner, could be made, the resulting device still would lack the worm gear and the moveable jaw made of plastic material.

Therefore, the rejection of claim 13 under 35 USC § 103(a) is improper.

Claims 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of Ratigan (USPN 1,942,492). This rejection is

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respectfully traversed in view of the following comments.

As argued above regarding the rejections of claim 1 above, claim 1 defines the present invention over any of Green, Garrison, Boyer or Elmore. Claims 15 and 16 depend upon the base claim 1 and further define the present invention over any of Green, Garrison, Boyer or Elmore. Moreover, Ratigan fails to disclose the adjustable wrench including the moveable jaw has a cored area in the form of an opening through a jaw head of the moveable jaw or in the form of opposite relieves formed on both side surfaces of the jaw head of the moveable jaw. Therefore, the rejection of claims 15 and 16 under 35 USC § 103(a) is improper.

Claims 17, 18, 20 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of either Lin (USPA 2003/0167886) or Quigley (USP 1,403,059). This rejection is respectfully traversed in view of the following comments.

As argued above regarding the rejections of claim 1 above, claim 1 defines the present invention over any of Green, Garrison, Boyer or Elmore. Claims 17, 18, 20 and 29 depend upon the base claim 1 and further define the present invention over any of Green, Garrison, Boyer or Elmore. Moreover, none of the references cited by the Examiner discloses the jaw insert made of a magnetic or plastic material.

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Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of Quigley, for the same reason as the rejection of claim 17, above. As argued above regarding the rejections of claim 17, claim 17 defines the present invention over Green, Garrison, Boyer or Elmore in view of Quigley. Claim 21 depends upon the claim 17 and further defines the present invention.

Claims 17, 19 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of Machmeier (USP 5,485,641), for the same reason as the rejection of claim 17, above. As argued above regarding the rejections of claim 17, claim 17 defines the present invention over Green, Garrison, Boyer or Elmore in view of Quigley. Claims 19 and 22 depend upon the claim 17 and further define the present invention.

Claims 24, 27 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over any of Green, Garrison, Boyer or Elmore in view of Picone (USP 4,512,221 and 6,477,921). As argued above regarding the rejections of claim 1, claim 1 defines the present invention over Green, Garrison, Boyer or Elmore. Claims 24, 27 and 28 depend upon the base claim 1 and further define the present invention.

The Examiner further noted that claims 9 and 10 would be allowed if rewritten in independent form including all the limitations of the base claim 1 and the intervening claims 7

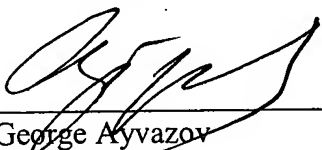
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and 8.

As argued above, claims 1 and 7 define the present invention over the prior art. Thus, claims 9 and 10 further define the present over the prior art of record and are in condition for allowance.

Therefore, it is respectfully submitted that claims 1, 4-29 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:  
Liniak, Berenato & White

By:   
George Ayvazov  
Reg. N° 37,483

6550 Rock Spring Drive, Suite 240  
Bethesda, Maryland 20817  
Tel. (301) 896-0600  
Fax (301) 896-0607